

Attorney Docket No. P13325-US1  
Customer Number 27045

### **REMARKS/ARGUMENTS**

#### **1.) Claim Amendments**

The Applicant has amended claims 1, 20, and 33. Claims 40 through 46 have been canceled without prejudice. Accordingly, claims 1 through 39 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

#### **2.) Examiner Objections**

The Examiner objected to claim 33 due to informalities. The Applicant has amended the claim to correct the informality. The Examiner's consideration of the amended claim is respectfully requested.

#### **3.) Claim Rejections – 35 U.S.C. § 112**

The Examiner rejected claims 1-46 under 35 U.S.C. § 112 as failing to comply with the written description requirement. Specifically, independent claims 1, 20, 33, 40, and 43 have been rejected because "the limitations of '[reduced] by an overall amount of noise suppression level, characterized by said overall amount of noise suppression level is obtained by optimizing a linear combination of said first and said second amount of noise suppression levels,' were not adequately described in the specification." In order to expedite allowance of this application, the Applicant has removed the rejected phrase from claims 1, 20, and 33. Furthermore, claims 40 and 43 have been canceled. So, this rejection is deemed to be moot.

Claims 2-19, 20-32, 34-39, 41-42, and 44-46 were rejected because they were dependent on claims 1, 20, 33, 40, and 43. It is respectfully submitted that the § 112 rejection be withdrawn for the similar reasons.

The Examiner rejected claims 40-46 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In order to expedite allowance of this application, the Applicant has canceled claims 40-46. So, this rejection is deemed to be moot.

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#### 4.) Claim Rejections – 35 U.S.C. § 102(b)

The Examiner has maintained the rejected claims 1, 6-8, 18 and 19 under 35 U.S.C. § 102(e) as being anticipated by Ozawa (EP 655,731) "under the assumption that the Applicant intends to withdraw the new matter stated above." The Applicant respectfully traverses this rejection.

Claim 1 states:

1. In a telecommunications system having voice communications subject to noise, a distributed noise suppression system for suppressing said noise for a given one of said voice communications, said noise suppression system comprising:

a first noise suppressor, within a first device, giving a first amount of noise suppression level for suppressing noise received by said first device prior to transmission of the noise-suppressed signal to a destination device; and

a second noise suppressor, within said destination device, giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device to said destination device, whereby the noise associated with said given one of said voice communications is reduced by an overall amount of noise suppression level.

In contrast, Ozawa teaches "a noise suppressor capable of suppressing a noise signal before encoding or after decoding" (Ozawa, Abstract). Note that the term "or" is exclusive. The term "or" does not mean "and." Ozawa teaches a first embodiment of noise suppress which is capable of suppressing a noise signal before encoding (see Figs. 1 and 2). Ozawa also teaches a second embodiment in Fig. 3. However, the second embodiment is a completely separate embodiment. Refer to page 6, line 33, which states "Referring to Fig. 3, a noise suppressor (depicted at 40) *according to a second embodiment* of this invention." Ozawa simply does not teach the use of two noise suppressors used in combination. Nothing in Ozawa indicates that the noise suppressor taught in Fig. 3 "giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device to said destination device" as described in claim 1.

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Because not all elements of amended claim 1 are taught by Ozawa, a 102 rejection is not proper. The Examiner's reconsideration and allowance of amended claim 1 is respectfully requested.

Claims 6-8, 18 and 19 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 6-8, 18 and 19 is also respectfully requested.

#### 5.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 2, 4 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and further in view of Romesburg (WO 97/34290). However, the combination of Ozawa and Romesburg still does not teach the combination of "a first noise suppressor, within a first device, giving a first amount of noise suppression level for suppressing noise received by said first device prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor, within said destination device, giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa and Romesburg does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa, and further in view of Romesburg and Voit (US 6,075,783). However, the combination of Ozawa, Romesburg and Voit still does not teach the combination of "a first noise suppressor, within a first device, giving a first amount of noise suppression level for suppressing noise received by said first device prior to

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transmission of the noise-suppressed signal to a destination device; and a second noise suppressor, within said destination device, giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa, Romesburg and Volt does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 9 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and further in view of Aoki, et al. (US 5,933,506). However, the combination of Ozawa and Aoki still does not teach the combination of "a first noise suppressor, within a first device, giving a first amount of noise suppression level for suppressing noise received by said first device prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor, within said destination device, giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa and Aoki does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and Aoki, and further in view of Foulkes, et al. (US 3,560,669). However,

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the combination of Ozawa, Aoki, and Foulkes still does not teach the combination of "a first noise suppressor, within a first device, giving a first amount of noise suppression level for suppressing noise received by said first device prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor, within said destination device, giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa, Aoki and Foulkes does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 12-14 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and further in view of Dolby (US 3,665,345). However, the combination of Ozawa and Dolby still does not teach the combination of "a first noise suppressor, within a first device, giving a first amount of noise suppression level for suppressing noise received by said first device prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor, within said destination device, giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa and Dolby does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

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The Examiner rejected claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa, and further in view of Suvanén, et al. (US 6,081,732). However, the combination of Ozawa and Suvanén still does not teach the combination of "a first noise suppressor, within a first device, giving a first amount of noise suppression level for suppressing noise received by said first device prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor, within said destination device, giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa and Suvanén does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa, and further in view of Ferrer, et al. (US 6,115,589). However, the combination of Ozawa and Ferrer still does not teach the combination of "a first noise suppressor, within a first device, giving a first amount of noise suppression level for suppressing noise received by said first device prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor, within said destination device, giving a second amount of noise suppression level for further suppressing the noise-suppressed signal received from said first device."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa and Ferrer does not

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teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 20-23, 30 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa in view of Romesburg.

Claim 20 states:

20. In a telecommunications system having voice communications subject to noise, a mobile telephone having suppression means therein for suppressing said noise for a given one of said voice communications, said mobile telephone comprising:

a first noise suppressor for suppressing noise giving a first amount of noise suppression level received by said mobile telephone prior to transmission of the noise-suppressed signal to a destination device; and

a second noise suppressor giving a second amount of noise suppression level for suppressing a received noise-suppressed signal received from a transmitting device having a first noise suppressor therein,

whereby the noise associated with said given one of said voice communications is reduced by an overall amount of noise suppression level.

It is respectfully submitted that the combination of Ozawa and Romesburg still does not teach the combination of "a first noise suppressor for suppressing noise giving a first amount of noise suppression level received by said mobile telephone prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor giving a second amount of noise suppression level for suppressing a received noise-suppressed signal received from a transmitting device having a first noise suppressor therein." as taught by claim 20.

Claim 33 states:

33. In a telecommunications system having voice communications subject to noise, a method for suppressing said noise for a given one of said voice communications, said method comprising:

noise suppressing, by a first noise suppressor giving a first amount of noise suppression level, acoustic noise received by a first device prior to transmission of the noise-suppressed signal to a destination device; and,

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further noise suppressing, by a second noise suppressor giving a second amount of noise suppression level within said destination device, said noise-suppressed signal received from said first device.

It is respectfully submitted that the combination of Ozawa and Romesburg still does not teach the combination of "noise suppressing, by a first noise suppressor giving a first amount of noise suppression level, acoustic noise received by a first device prior to transmission of the noise-suppressed signal to a destination device; and, further noise suppressing, by a second noise suppressor giving a second amount of noise suppression level within said destination device." as taught by claim 33.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa and Romesburg does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn for claims 20 and 33.

Claims 21-23, and 33 depend from claims 20 and 30, respectively and recite further limitations in combination with the novel elements of claims 20 and 30. Therefore, the allowance of claims 21-23, and 33 is respectfully requested.

The Examiner rejected claims 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and Romesburg, and further in view of Aoki. However, the combination of Ozawa, Romesburg and Aoki still does not teach the combination of "a first noise suppressor for suppressing noise giving a first amount of noise suppression level received by said mobile telephone prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor giving a second amount of noise suppression level for suppressing a received noise-suppressed signal received from a transmitting device having a first noise suppressor therein." as taught by claim 20.

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As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa, Romesburg and Aoki does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and in view of Romesburg, and Aoki, and further in view of Foulkes. However, the combination of Ozawa, Romesburg, Aoki, and Foulkes still does not teach the combination of "a first noise suppressor for suppressing noise giving a first amount of noise suppression level received by said mobile telephone prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor giving a second amount of noise suppression level for suppressing a received noise-suppressed signal received from a transmitting device having a first noise suppressor therein."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa, Romesburg, Aoki, and Foulkes does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 27-29 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and Romesburg, and further in view of Dolby. However, the combination of Ozawa, Romesburg, and Dolby still does not teach the combination of "a first noise suppressor for suppressing noise giving a first amount of noise suppression level received by said mobile telephone prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor giving a second amount

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of noise suppression level for suppressing a received noise-suppressed signal received from a transmitting device having a first noise suppressor therein."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa, Romesburg, and Dolby does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and Romesburg, and further in view of Suvanén. However, the combination of Ozawa, Romesburg, and Suvanén still does not teach the combination of "a first noise suppressor for suppressing noise giving a first amount of noise suppression level received by said mobile telephone prior to transmission of the noise-suppressed signal to a destination device; and a second noise suppressor giving a second amount of noise suppression level for suppressing a received noise-suppressed signal received from a transmitting device having a first noise suppressor therein."

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa, Romesburg, and Suvanén does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

The Examiner rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Ozawa and Romesburg, and further in view of Ferrer. However, the combination of Ozawa, Romesburg, and Ferrer still does not teach the combination of "a first noise suppressor for suppressing noise giving a first amount of noise suppression level received by said mobile telephone prior to transmission of the noise-suppressed signal

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to a destination device; and a second noise suppressor giving a second amount of noise suppression level for suppressing a received noise-suppressed signal received from a transmitting device having a first noise suppressor therein."

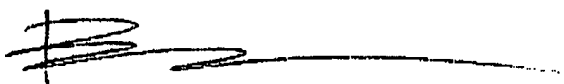
As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Furthermore, under MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the Applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the combination of Ozawa, Romesburg, and Ferre does not teach all of the claimed combination. Consequently, the Office Action does not factually support a prima facie case of obviousness. The Applicant, therefore, respectfully requests that this rejection be withdrawn.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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